

HP Docket No. 10011462-1

network with an application program directly launching a printing agent).

In response to the restriction requirement, Applicants elect Group I. Claims 1-7, 9, 11-27, 31-34, and 36 are readable on elected Species I. Applicants note that independent claim 31 was not identified by the Office as belonging to any group.

This election is made *with traverse*.

MPEP §803 requires that if search and examination of two or more inventions can be made *without serious burden*, the Examiner *must* examine each on the merits, even if the claims are directed to distinct or independent inventions. In addition, MPEP §808.02 requires that “[w]here the inventions as claimed are shown to be independent or distinct ... the examiner, in order to establish reasons for insisting upon restriction, must explain why there would be a serious burden on the examiner if restriction is not required. Thus the examiner must *show* by appropriate explanation one of the following: (A) Separate classification thereof ... (B) A separate status in the art when they are classifiable together ... (C) A different field of search”.

Here, the Office alleges that the species require a different field of search; and/or consideration of two differing inventions; and/or are likely to raise different prior art issues under 35 USC 101 or 112, first paragraph (Office Action, p.2-3). However, the Office has not identified the separate classifications to which the claims of Group I and Group II belong. Nor has the Office identified the different required fields of search required for the claims of Group I and Group II. As such, the allegations do not constitute a *showing* of a serious burden as required by MPEP §808.02.

Furthermore, Applicants disagree that there would be a serious burden on the Office if all the claims were to be examined together. The file history of the present application indicates that there is *no* serious burden. Group II constitutes only claims 30 and 35. Independent claim 30, in its present form, was first presented in the Request for Continuing Examination filed on 07/15/2006. Therefore, claim 30 was searched and examined by the Office in its present form in at least *two* subsequent office actions, issued 10/3/2006 and 05/02/2007. Dependent claim 30, in its present

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form, was first presented in Applicant's response to the 10/03/2006 office action and thus was searched and examined by the Office in its present form in at least the office action issued 05/02/2007. Accordingly, the file history clearly shows that it would **not** be overly burdensome on the Examiner to search for each of Applicants' pending claims at the same time.

For at least the foregoing reasons, Applicants respectfully traverse the restriction requirement and respectfully request the Office to examine the all the claims of Groups I and II together.

REMARKS

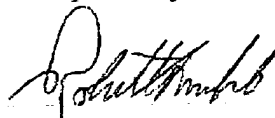
Applicant believes that all elected claims presently on file in the subject application are in condition for immediate allowance, and such action is respectfully requested. If it is felt for any reason that direct communication with Applicant's attorney would serve to advance prosecution of this case to finality, the Examiner is invited to call the undersigned Robert C. Sismilich, Esq. at the below-listed telephone number.

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**AUTHORIZATION TO PAY AND PETITION
FOR THE ACCEPTANCE OF ANY NECESSARY FEES**

If any charges or fees must be paid in connection with the foregoing communication (including but not limited to the payment of an extension fee or issue fees), or if any overpayment is to be refunded in connection with the above-identified application, any such charges or fees, or any such overpayment, may be respectively paid out of, or into, the Deposit Account No. 08-2025 of Hewlett-Packard Company. If any such payment also requires Petition or Extension Request, please construe this authorization to pay as the necessary Petition or Request which is required to accompany the payment.

Respectfully submitted,



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Date: 1/24/08

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